

APPENDIX 1

TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL

SECOND JUDICIAL CIRCUIT AND DISTRICT

MCCRACKEN COUNTY

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Rule 4, this local domestic violence protocol is established to ensure twenty-four (24) hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Uniform Protocol for Handling Cases

A. All domestic violence cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.

B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.

C. The County does not have a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.

D. Domestic violence cases may be reassigned or transferred to another circuit when there exists a pending dissolution or custody matter in another circuit court in Kentucky. In the event a domestic violence case is transferred to another circuit prior to a domestic violence protective order being entered, the emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740 (4), for a period not to exceed fourteen (14) days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

II. Twenty-four Hour Accessibility

A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

1. The Circuit Court Clerk of McCracken County and any of their sworn deputy clerks; and
2. The County Attorney of McCracken County and any Assistant County Attorneys.

B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours of the Circuit Court Clerk in the county where the petition is being filed:

1. The Circuit Clerk of McCracken County, and all of their sworn deputies;
2. The Sheriff of McCracken County and all other sworn deputies and dispatchers;
3. The Jailer of McCracken County and all of their sworn deputies;
4. The County Attorney of McCracken County and any Assistant County Attorney;
5. The Chief of Police for the city of Paducah and any other incorporated city in McCracken County and all sworn officers and dispatchers within their departments;
6. Any Kentucky State Police Officer found in McCracken County.

C. The individual taking the petition should review it for completeness prior to swearing the petition.

D. Upon receipt of a petition **during** regular business hours of the Circuit Court Clerk in the county where the petition is being filed, the authorized agency/officer shall present the petition to a District Judge, if one is available. In the event that neither District Judge is available, the petition shall be presented to the Family Court Judge and then to either Circuit Judge of general jurisdiction for the Second Judicial Circuit if the Family Court Judge is unavailable.

E. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to a McCracken District Court Judge, and if not available, the McCracken Family Court Judge, and if not available, a McCracken Circuit Judge of general jurisdiction.

F. Petitions will be reviewed within an hour of presentation to a judge unless it is impossible due to the unavailability of a judge.

G. The schedule for domestic violence hearings is as follows:

Wednesday at 9:00 a.m.

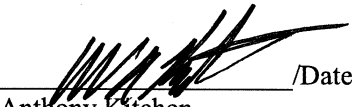
III. Contempt Proceedings

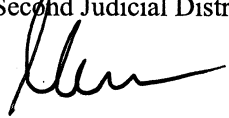
A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order shall be mutually exclusive.


B. Petitioners seeking to initiate contempt proceedings should contact the Circuit Court Clerk's Office or the County Attorney's office in the county where the Emergency Protective Order or Domestic Violence Order was issued.

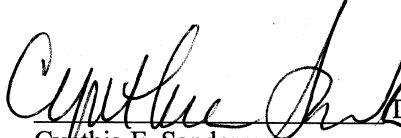
C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing.

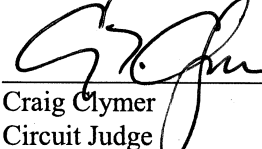
The above protocol is adopted by all judges in the circuit/district.

 /Date 3/21/12
Anthony Kitchen
District Judge
Second Judicial District

 /Date 3/20/12
Chris Hollowell
District Judge
Second Judicial District

 /Date 3-16-12
Tim Kaltenbach
Circuit Judge
Second Judicial Circuit

 /Date 3-15-12
Cynthia E. Sanderson
Family Court Judge
Second Judicial Circuit

 /Date 3-16-12
Craig Clymer
Circuit Judge
Second Judicial Circuit